



Image

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Motohiko SAKAMAKI et al.

Group Art Unit: 2871

Application No.: 09/619,606

Examiner: T. Duong

Filed: July 19, 2000

Docket No.: 106794

For: METHOD FOR MANUFACTURING IMAGE DISPLAYING MEDIUM

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 22, 2004 Election of Species Requirement, Applicants provisionally elect Group I, claims 1-19, with traverse.

Applicants respectfully submit that the Election of Species Requirement is improper. The Patent Office has failed to identify a species to which claims 20-26 are directed. MPEP § 806.04(e) states that "claims are never species." Because the Patent Office has failed to identify a second species, the Election of Species Requirement is improper. As a result, Applicants respectfully request withdrawal of the Election of Species Requirement.


Applicants also respectfully submit that the subject matter of all claims 1-26 is sufficiently related that a thorough search for the subject matter of the single identified Species would encompass a search for the subject matter of remaining claims 20-26, particularly in light of the extensive search already performed by the Examiner, including references classified in class 349/155, alleged by the Patent Office to apply to claims 20-26.

According to the Examiner's search notes, class 349/155 was extensively searched by the Examiner on December 3 and 4, 2002.

Accordingly, Applicants respectfully submit that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, Applicants respectfully request withdrawal of the Election of Species Requirement.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/tea

Date: April 21, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--